



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB3024

Introduced 1/20/2006, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501

720 ILCS 5/36-1

730 ILCS 5/5-8-7

from Ch. 38, par. 36-1

from Ch. 38, par. 1005-8-7

Amends the Illinois Vehicle Code. Combines changes made by several Public Acts regarding driving while under the influence of alcohol or other drugs, with various changes concerning organization of the provisions, elements of offenses, penalties, and other matters. Makes corresponding changes in provisions of the Criminal Code of 1961 and the Unified Code of Corrections. Effective January 1, 2007.

LRB094 18459 DRH 53775 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-501 as follows:

6 (625 ILCS 5/11-501)

7 Sec. 11-501. Driving while under the influence of alcohol,
8 other drug or drugs, intoxicating compound or compounds or any
9 combination thereof.

10 (a) A person shall not drive or be in actual physical
11 control of any vehicle within this State while:

12 (1) the alcohol concentration in the person's blood or
13 breath is 0.08 or more based on the definition of blood and
14 breath units in Section 11-501.2;

15 (2) under the influence of alcohol;

16 (3) under the influence of any intoxicating compound or
17 combination of intoxicating compounds to a degree that
18 renders the person incapable of driving safely;

19 (4) under the influence of any other drug or
20 combination of drugs to a degree that renders the person
21 incapable of safely driving;

22 (5) under the combined influence of alcohol, other drug
23 or drugs, or intoxicating compound or compounds to a degree
24 that renders the person incapable of safely driving; or

25 (6) there is any amount of a drug, substance, or
26 compound in the person's breath, blood, or urine resulting
27 from the unlawful use or consumption of cannabis listed in
28 the Cannabis Control Act, a controlled substance listed in
29 the Illinois Controlled Substances Act, or an intoxicating
30 compound listed in the Use of Intoxicating Compounds Act.

31 (b) The fact that any person charged with violating this
32 Section is or has been legally entitled to use alcohol, other

1 drug or drugs, or intoxicating compound or compounds, or any
2 combination thereof, shall not constitute a defense against any
3 charge of violating this Section.

4 (b-1) With regard to penalties imposed under this Section:

5 (1) Any reference to a prior violation of subsection
6 (a) or a similar provision includes any violation of a
7 provision of a local ordinance or a provision of a law of
8 another state that is similar to a violation of subsection
9 (a) of this Section.

10 (2) Any penalty imposed for driving with a license that
11 has been revoked for a previous violation of subsection (a)
12 of this Section shall be in addition to the penalty imposed
13 for any subsequent violation of subsection (a).

14 (b-2) Except as otherwise provided in this Section, any
15 person convicted of violating subsection (a) of this Section is
16 guilty of a Class A misdemeanor.

17 (b-3) In addition to any other criminal or administrative
18 sanction for any second conviction of violating subsection (a)
19 or a similar provision committed within 5 years of a previous
20 violation of subsection (a) or a similar provision, the
21 defendant shall be sentenced to a mandatory minimum of 5 days
22 of imprisonment or assigned a mandatory minimum of 240 hours of
23 community service as may be determined by the court. The
24 imprisonment or assignment of community service shall not be
25 subject to suspension, nor shall the person be eligible for a
26 reduced sentence.

27 (b-4) (Blank). ~~In the case of a third violation committed~~
28 ~~within 5 years of a previous violation of subsection (a) or a~~
29 ~~similar provision, the defendant is guilty of a Class 2 felony,~~
30 ~~and in addition to any other criminal or administrative~~
31 ~~sanction, a mandatory minimum term of either 10 days of~~
32 ~~imprisonment or 480 hours of community service shall be~~
33 ~~imposed.~~

34 (b-5) A person who violates subsection (a) a third time is
35 guilty of aggravated driving under the influence of alcohol,
36 other drug or drugs, intoxicating compound or compounds, or any

1 combination thereof and is guilty of a Class 2 felony; and if
2 the person receives a term of probation or conditional
3 discharge, he or she shall be required to serve a mandatory
4 minimum of 10 days of imprisonment or shall be assigned a
5 mandatory minimum of 480 hours of community service, as may be
6 determined by the court, as a condition of the probation or
7 conditional discharge. This mandatory minimum term of
8 imprisonment or assignment of community service shall not be
9 suspended or reduced by the court.

10 (b-6) A person who violates subsection (a) a fourth time is
11 guilty of aggravated driving under the influence of alcohol,
12 other drug or drugs, intoxicating compound or compounds, or any
13 combination thereof and is guilty of a Class 2 felony and is
14 not eligible for a sentence of probation or conditional
15 discharge and is subject to a mandatory minimum fine of \$2,500.

16 (b-7) A person who violates subsection (a) a fifth time is
17 guilty of aggravated driving under the influence of alcohol,
18 other drug or drugs, intoxicating compound or compounds, or any
19 combination thereof and is guilty of a Class 1 felony and is
20 not eligible for a sentence of probation or conditional
21 discharge.

22 (b-8) A person convicted of a sixth or subsequent violation
23 of subsection (a) is guilty of aggravated driving under the
24 influence of alcohol, other drug or drugs, intoxicating
25 compound or compounds, or any combination thereof and is guilty
26 of a Class X felony. ~~The imprisonment or assignment of~~
27 ~~community service under subsections (b 3) and (b 4) shall not~~
28 ~~be subject to suspension, nor shall the person be eligible for~~
29 ~~a reduced sentence.~~

30 (c) (Blank).

31 (c-1) (1) A person who violates subsection (a) during a
32 period in which his or her driving privileges are revoked or
33 suspended, where the revocation or suspension was for a
34 violation of subsection (a), Section 11-501.1, paragraph (b) of
35 Section 11-401, or for reckless homicide as defined in Section
36 9-3 of the Criminal Code of 1961 is guilty of aggravated

1 driving under the influence of alcohol, other drug or drugs,
2 intoxicating compound or compounds, or any combination thereof
3 and is guilty of a Class 4 felony and shall also be sentenced
4 to an additional mandatory minimum term of 30 consecutive days
5 of imprisonment, 40 days of 24-hour periodic imprisonment, or
6 720 hours of community service, as may be determined by the
7 court. This mandatory term of imprisonment or assignment of
8 community service shall not be suspended or reduced by the
9 court.

10 (2) (Blank). ~~A person who violates subsection (a) a~~
11 ~~third time is guilty of aggravated driving under the~~
12 ~~influence of alcohol, other drug or drugs, intoxicating~~
13 ~~compound or compounds, or any combination thereof and is~~
14 ~~guilty of a Class 2 felony is guilty of aggravated driving~~
15 ~~under the influence of alcohol, other drug or drugs,~~
16 ~~intoxicating compound or compounds, or any combination~~
17 ~~thereof and Class 2; and if the person receives a term of~~
18 ~~probation or conditional discharge, he or she shall be~~
19 ~~required to serve a mandatory minimum of 10 days of~~
20 ~~imprisonment or shall be assigned a mandatory minimum of~~
21 ~~480 hours of community service, as may be determined by the~~
22 ~~court, as a condition of the probation or conditional~~
23 ~~discharge. This mandatory minimum term of imprisonment or~~
24 ~~assignment of community service shall not be suspended or~~
25 ~~reduced by the court.~~

26 (2.1) (Blank).

27 ~~(2.2) A person who violates subsection (a), if the~~
28 ~~violation occurs during a period in which his or her~~
29 ~~driving privileges are revoked or suspended where the~~
30 ~~revocation or suspension was for a violation of subsection~~
31 ~~(a) or Section 11-501.1, is guilty of aggravated driving~~
32 ~~under the influence of alcohol, other drug or drugs,~~
33 ~~intoxicating compound or compounds, or any combination~~
34 ~~thereof and shall also be sentenced to an additional~~
35 ~~mandatory minimum term of 30 consecutive days of~~
36 ~~imprisonment, 40 days of 24 hour periodic imprisonment, or~~

1 ~~720 hours of community service, as may be determined by the~~
2 ~~court. This mandatory term of imprisonment or assignment of~~
3 ~~community service shall not be suspended or reduced by the~~
4 ~~court.~~

5 (3) (Blank). ~~A person who violates subsection (a) a~~
6 ~~fourth fifth time fifth is guilty of aggravated driving~~
7 ~~under the influence of alcohol, other drug or drugs,~~
8 ~~intoxicating compound or compounds, or any combination~~
9 ~~thereof and is guilty of a Class 2 felony, and is not~~
10 ~~eligible for a sentence of probation or conditional~~
11 ~~discharge.~~

12 (4) (Blank). ~~A person who violates subsection (a) a~~
13 ~~fifth or subsequent time is guilty of a Class 1 felony and~~
14 ~~is not eligible for a sentence of probation or conditional~~
15 ~~discharge.~~

16 (c-2) (Blank).

17 (c-3) (Blank).

18 (c-4) (Blank).

19 (c-5) (1) Except as provided in subdivision (c-5)(8)
20 ~~subsection (c-5.1)~~, a person 21 years of age or older who
21 violates subsection (a), if the person was transporting a
22 person under the age of 16 at the time of the violation, is
23 subject to a mandatory minimum of 6 months of imprisonment, an
24 additional mandatory minimum fine of \$1,000, and 25 days of
25 community service in a program benefiting children. The
26 imprisonment or assignment of community service under this
27 subdivision (c-5)(1) is not subject to suspension, nor is the
28 person eligible for a reduced sentence.

29 ~~(c-5.1) A person 21 years of age or older who is~~
30 ~~convicted of violating subsection (a) of this Section a~~
31 ~~first time and who in committing that violation was~~
32 ~~involved in a motor vehicle accident that resulted in~~
33 ~~bodily harm to the child under the age of 16 being~~
34 ~~transported by the person, if the violation was the~~
35 ~~proximate cause of the injury, is guilty of a Class 4~~
36 ~~felony and is subject to one year of imprisonment, a~~

1 ~~mandatory fine of \$2,500, and 25 days of community service~~
2 ~~in a program benefiting children. The imprisonment or~~
3 ~~assignment to community service under this subsection~~
4 ~~(c-5.1) shall not be subject to suspension, nor shall the~~
5 ~~person be eligible for probation in order to reduce the~~
6 ~~sentence or assignment.~~

7 (2) Except as provided in subdivisions (c-5)(3) and
8 (c-5)(9) ~~(c-5)(4) (c-7.1)~~, a person 21 years of age or
9 older who violates subsection (a) a second time, if at the
10 time of the second violation the person was transporting a
11 person under the age of 16, is subject to a mandatory
12 minimum of 6 months of imprisonment, an additional
13 mandatory minimum fine of \$1,000, and an additional
14 mandatory minimum 240 ~~140~~ hours of community service, which
15 shall include 40 hours of community service in a program
16 benefiting children. The imprisonment or assignment of
17 community service under this subdivision (c-5)(2) is not
18 subject to suspension, nor is the person eligible for a
19 reduced sentence.

20 (3) Except as provided in subdivision (c-5)(9)
21 ~~(c-5)(4) (c-7.1)~~, any person 21 years of age or older
22 convicted of violating subsection (a) ~~subdivision (c-5)(2)~~
23 or a similar provision within 10 years of a previous
24 violation of subsection (a) or a similar provision, if at
25 the time of the second violation the person was
26 transporting a person under the age of 16, is guilty of a
27 Class 4 felony and, in addition to any other penalty
28 imposed, is subject to a mandatory minimum of one year of
29 imprisonment, 25 days of mandatory community service in a
30 program benefiting children, and a mandatory fine of
31 \$2,500. The imprisonment or assignment of community
32 service under this subdivision (c-5)(3) is not subject to
33 suspension, nor is the person eligible for a reduced
34 sentence.

35 ~~(c-7.1) A person 21 years of age or older who is~~
36 ~~convicted of violating subsection (a) of this Section a~~

1 ~~second time within 10 years and who in committing that~~
2 ~~violation was involved in a motor vehicle accident that~~
3 ~~resulted in bodily harm to the child under the age of 16~~
4 ~~being transported, if the violation was the proximate cause~~
5 ~~of the injury, is guilty of a Class 4 felony and is subject~~
6 ~~to 18 months of imprisonment, a mandatory fine of \$5,000,~~
7 ~~and 25 days of community service in a program benefiting~~
8 ~~children. The imprisonment or assignment to community~~
9 ~~service under this subsection (c 7.1) shall not be subject~~
10 ~~to suspension, nor shall the person be eligible for~~
11 ~~probation in order to reduce the sentence or assignment.~~

12 (4) (Blank). ~~subdivision (c-5)(2) subdivision (c-5)(4)~~

13 (5) Any person 21 years of age or older convicted a
14 third time for violating subsection (a) or a similar
15 provision, if at the time of the third violation the person
16 was transporting a person under the age of 16, is guilty of
17 a Class 2 felony and is subject to a mandatory minimum of
18 36 ~~18~~ months of imprisonment, a mandatory fine of \$2,500,
19 and 25 days of community service in a program benefiting
20 children. The imprisonment or assignment of community
21 service under this subdivision (c-5)(5) is not subject to
22 suspension, nor is the person eligible for a reduced
23 sentence.

24 (6) (Blank). ~~Any person 21 years of age or older~~
25 ~~convicted of violating subdivision (c-5)(5) or a similar~~
26 ~~provision a third time within 20 years of a previous~~
27 ~~violation of subsection (a) or a similar provision is~~
28 ~~guilty of a Class 3 2 felony and, in addition to any other~~
29 ~~penalty imposed, is subject to 3 years of imprisonment, 25~~
30 ~~days of community service in a program benefiting children,~~
31 ~~and a mandatory fine of \$25,000 \$3,000. The imprisonment or~~
32 ~~assignment of community service under this subdivision~~
33 ~~(c-5)(6) is not subject to suspension, nor is the person~~
34 ~~eligible for a reduced sentence.~~

35 (7) Any person 21 years of age or older convicted a
36 fourth ~~fifth~~ time for violating subsection (a) or a similar

1 provision, if at the time of the fourth ~~fifth~~ violation the
2 person was transporting a person under the age of 16, and
3 if the person's 3 prior violations of subsection (a) or a
4 similar provision occurred while transporting a person
5 under the age of 16 or while the alcohol concentration in
6 his or her blood, breath, or urine was 0.16 or more based
7 on the definition of blood, breath, or urine units in
8 Section 11-501.2, is guilty of a Class 2 felony, is not
9 eligible for probation or conditional discharge, and is
10 subject to a minimum fine of \$25,000.

11 (8) A person 21 years of age or older who is convicted
12 of violating subsection (a) of this Section a first time
13 and who in committing that violation was involved in a
14 motor vehicle accident that resulted in bodily harm to the
15 child under the age of 16 being transported by the person,
16 if the violation was the proximate cause of the injury, is
17 guilty of a Class 4 felony and is subject to a mandatory
18 minimum of one year of imprisonment, a mandatory fine of
19 \$2,500, and 25 days of community service in a program
20 benefiting children. The imprisonment or assignment to
21 community service under this subdivision (c-5)(8) shall
22 not be subject to suspension, nor shall the person be
23 eligible for probation in order to reduce the sentence or
24 assignment.

25 (9) A person 21 years of age or older who is convicted
26 of violating subsection (a) of this Section and who in
27 committing that violation was involved in a motor vehicle
28 accident that resulted in bodily harm to the child under
29 the age of 16 being transported, if the violation was the
30 proximate cause of the injury, is guilty of a Class 4
31 felony and is subject to a mandatory minimum of 18 months
32 of imprisonment, a mandatory fine of \$5,000, and 25 days of
33 community service in a program benefiting children. The
34 imprisonment or assignment to community service under this
35 subdivision (c-5)(9) shall not be subject to suspension,
36 nor shall the person be eligible for probation in order to

1 reduce the sentence or assignment.

2 (c-6) (1) Any person convicted of a first violation of
3 subsection (a) or a similar provision, if the alcohol
4 concentration in his or her blood, breath, or urine was 0.16 or
5 more based on the definition of blood, breath, or urine units
6 in Section 11-501.2, shall be subject, in addition to any other
7 penalty that may be imposed, to a mandatory minimum of 100
8 hours of community service and a mandatory minimum fine of
9 \$500.

10 (2) Any person convicted of a second violation of
11 subsection (a) or a similar provision committed within 10
12 years of a previous violation of subsection (a) or a
13 similar provision, if at the time of the second violation
14 of subsection (a) or a similar provision the alcohol
15 concentration in his or her blood, breath, or urine was
16 0.16 or more based on the definition of blood, breath, or
17 urine units in Section 11-501.2, shall be subject, in
18 addition to any other penalty that may be imposed, to a
19 mandatory minimum of 2 days of imprisonment and a mandatory
20 minimum fine of \$1,250.

21 (3) Any person convicted of a third violation of
22 subsection (a) or a similar provision within 20 years of a
23 previous violation of subsection (a) or a similar
24 provision, if at the time of the third violation of
25 subsection (a) or a similar provision the alcohol
26 concentration in his or her blood, breath, or urine was
27 0.16 or more based on the definition of blood, breath, or
28 urine units in Section 11-501.2, is guilty of a Class 2
29 felony and shall be subject, in addition to any other
30 penalty that may be imposed, to a mandatory minimum of 90
31 days of imprisonment and a mandatory minimum fine of
32 \$2,500.

33 (4) (Blank). ~~Any person convicted of a fourth fifth~~
34 ~~violation of subsection (a) or a similar provision, if at~~
35 ~~the time of the fourth fifth violation the alcohol~~
36 ~~concentration in his or her blood, breath, or urine was~~

~~0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of \$2,500.~~

~~(c-16) Any person convicted of a sixth or subsequent violation of subsection (a) is guilty of a Class X felony.~~

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

1 (E) the person, in committing a violation of subsection
2 (a) while driving at any speed in a school speed zone at a
3 time when a speed limit of 20 miles per hour was in effect
4 under subsection (a) of Section 11-605 of this Code, was
5 involved in a motor vehicle accident that resulted in
6 bodily harm, other than great bodily harm or permanent
7 disability or disfigurement, to another person, when the
8 violation of subsection (a) was a proximate cause of the
9 bodily harm; or

10 (F) the person, in committing a violation of subsection
11 (a), was involved in a motor vehicle, snowmobile,
12 all-terrain vehicle, or watercraft accident that resulted
13 in the death of another person, when the violation of
14 subsection (a) was a proximate cause of the death;

15 (G) the person in committing a ~~committed the~~ violation
16 of subsection (a) ~~while he or she~~ did not possess a
17 driver's license or permit or a restricted driving permit
18 or a judicial driving permit; or

19 (H) the person in committing a ~~committed the~~ violation
20 of subsection (a) ~~while he or she~~ knew or should have known
21 that the vehicle he or she was driving was not covered by a
22 liability insurance policy.

23 (2) Except as provided in this paragraph (2) and in
24 subsections (b-5), (b-6), (b-7), and (b-8) ~~paragraphs (2),~~
25 ~~(2.1), and (3) of subsection (c-1) and in paragraphs (3) and~~
26 ~~(4) of subsection (c-1)~~, a person convicted of aggravated
27 driving under the influence of alcohol, other drug or
28 drugs, or intoxicating compound or compounds, or any
29 combination thereof is guilty of a Class 4 felony. For a
30 violation of subparagraph (C) of paragraph (1) of this
31 subsection (d), the defendant, if sentenced to a term of
32 imprisonment, shall be sentenced to not less than one year
33 nor more than 12 years. Except as provided in subsections
34 (b-7) and (b-8) ~~paragraph (4) of subsection (c-1)~~,
35 aggravated driving under the influence of alcohol, other
36 drug, or drugs, intoxicating compounds or compounds, or any

1 combination thereof as defined in subparagraph (A) of
2 paragraph (1) of this subsection (d) is a Class 2 felony.
3 Aggravated driving under the influence of alcohol, other
4 drug or drugs, or intoxicating compound or compounds, or
5 any combination thereof as defined in subparagraph (F) of
6 paragraph (1) of this subsection (d) is a Class 2 felony,
7 for which the defendant, unless the court determines that
8 extraordinary circumstances exist and require probation,
9 shall be sentenced to: (A) a term of imprisonment of not
10 less than 3 years and not more than 14 years if the
11 violation resulted in the death of one person; or (B) a
12 term of imprisonment of not less than 6 years and not more
13 than 28 years if the violation resulted in the deaths of 2
14 or more persons. For any prosecution under this subsection
15 (d), a certified copy of the driving abstract of the
16 defendant shall be admitted as proof of any prior
17 conviction. Any person sentenced under this subsection (d)
18 who receives a term of probation or conditional discharge
19 must serve a minimum term of either 480 hours of community
20 service or 10 days of imprisonment as a condition of the
21 probation or conditional discharge. This mandatory minimum
22 term of imprisonment or assignment of community service may
23 not be suspended or reduced by the court.

24 (e) After a finding of guilt and prior to any final
25 sentencing, or an order for supervision, for an offense based
26 upon an arrest for a violation of this Section or a similar
27 provision of a local ordinance, individuals shall be required
28 to undergo a professional evaluation to determine if an
29 alcohol, drug, or intoxicating compound abuse problem exists
30 and the extent of the problem, and undergo the imposition of
31 treatment as appropriate. Programs conducting these
32 evaluations shall be licensed by the Department of Human
33 Services. The cost of any professional evaluation shall be paid
34 for by the individual required to undergo the professional
35 evaluation.

36 (e-1) Any person who is found guilty of or pleads guilty to

1 violating this Section, including any person receiving a
2 disposition of court supervision for violating this Section,
3 may be required by the Court to attend a victim impact panel
4 offered by, or under contract with, a County State's Attorney's
5 office, a probation and court services department, Mothers
6 Against Drunk Driving, or the Alliance Against Intoxicated
7 Motorists. All costs generated by the victim impact panel shall
8 be paid from fees collected from the offender or as may be
9 determined by the court.

10 (f) Every person found guilty of violating this Section,
11 whose operation of a motor vehicle while in violation of this
12 Section proximately caused any incident resulting in an
13 appropriate emergency response, shall be liable for the expense
14 of an emergency response as provided under Section 5-5-3 of the
15 Unified Code of Corrections.

16 (g) The Secretary of State shall revoke the driving
17 privileges of any person convicted under this Section or a
18 similar provision of a local ordinance.

19 (h) (Blank).

20 (i) The Secretary of State shall require the use of
21 ignition interlock devices on all vehicles owned by an
22 individual who has been convicted of a second or subsequent
23 offense of this Section or a similar provision of a local
24 ordinance. The Secretary shall establish by rule and regulation
25 the procedures for certification and use of the interlock
26 system.

27 (j) In addition to any other penalties and liabilities, a
28 person who is found guilty of or pleads guilty to violating
29 subsection (a), including any person placed on court
30 supervision for violating subsection (a), shall be fined \$500,
31 payable to the circuit clerk, who shall distribute the money as
32 follows: 20% to the law enforcement agency that made the arrest
33 and 80% shall be forwarded to the State Treasurer for deposit
34 into the General Revenue Fund. If the person has been
35 previously convicted of violating subsection (a) or a similar
36 provision of a local ordinance, the fine shall be \$1,000. In

1 the event that more than one agency is responsible for the
2 arrest, the amount payable to law enforcement agencies shall be
3 shared equally. Any moneys received by a law enforcement agency
4 under this subsection (j) shall be used to purchase law
5 enforcement equipment that will assist in the prevention of
6 alcohol related criminal violence throughout the State. This
7 shall include, but is not limited to, in-car video cameras,
8 radar and laser speed detection devices, and alcohol breath
9 testers. Any moneys received by the Department of State Police
10 under this subsection (j) shall be deposited into the State
11 Police DUI Fund and shall be used to purchase law enforcement
12 equipment that will assist in the prevention of alcohol related
13 criminal violence throughout the State.

14 (k) The Secretary of State Police DUI Fund is created as a
15 special fund in the State treasury. All moneys received by the
16 Secretary of State Police under subsection (j) of this Section
17 shall be deposited into the Secretary of State Police DUI Fund
18 and, subject to appropriation, shall be used to purchase law
19 enforcement equipment to assist in the prevention of alcohol
20 related criminal violence throughout the State.

21 (l) Whenever an individual is sentenced for an offense
22 based upon an arrest for a violation of subsection (a) or a
23 similar provision of a local ordinance, and the professional
24 evaluation recommends remedial or rehabilitative treatment or
25 education, neither the treatment nor the education shall be the
26 sole disposition and either or both may be imposed only in
27 conjunction with another disposition. The court shall monitor
28 compliance with any remedial education or treatment
29 recommendations contained in the professional evaluation.
30 Programs conducting alcohol or other drug evaluation or
31 remedial education must be licensed by the Department of Human
32 Services. If the individual is not a resident of Illinois,
33 however, the court may accept an alcohol or other drug
34 evaluation or remedial education program in the individual's
35 state of residence. Programs providing treatment must be
36 licensed under existing applicable alcoholism and drug

1 treatment licensure standards.

2 (m) In addition to any other fine or penalty required by
3 law, an individual convicted of a violation of subsection (a),
4 Section 5-7 of the Snowmobile Registration and Safety Act,
5 Section 5-16 of the Boat Registration and Safety Act, or a
6 similar provision, whose operation of a motor vehicle,
7 snowmobile, or watercraft while in violation of subsection (a),
8 Section 5-7 of the Snowmobile Registration and Safety Act,
9 Section 5-16 of the Boat Registration and Safety Act, or a
10 similar provision proximately caused an incident resulting in
11 an appropriate emergency response, shall be required to make
12 restitution to a public agency for the costs of that emergency
13 response. The restitution may not exceed \$1,000 per public
14 agency for each emergency response. As used in this subsection
15 (m), "emergency response" means any incident requiring a
16 response by a police officer, a firefighter carried on the
17 rolls of a regularly constituted fire department, or an
18 ambulance.

19 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
20 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
21 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05; 94-110, eff.
22 1-1-06; 94-113, eff. 1-1-06; 94-114, eff. 1-1-06; 94-116, eff.
23 1-1-06, 94-329, eff. 1-1-06; 94-609, eff. 1-1-06; revised
24 12-12-05.)

25 Section 10. The Criminal Code of 1961 is amended by
26 changing Section 36-1 as follows:

27 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

28 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used
29 with the knowledge and consent of the owner in the commission
30 of, or in the attempt to commit as defined in Section 8-4 of
31 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,
32 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,
33 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2,
34 19-1, 19-2, 19-3, 20-1, 20-2, 20.5-6, 24-1.2, 24-1.2-5, 24-1.5,

1 or 28-1 of this Code, paragraph (a) of Section 12-4 of this
2 Code, paragraph (a) of Section 12-15 or paragraphs (a), (c) or
3 (d) of Section 12-16 of this Code, or paragraph (a)(6) or
4 (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23, 24
5 or 26 of the Cigarette Tax Act if the vessel, vehicle or
6 aircraft contains more than 10 cartons of such cigarettes; (c)
7 Section 28, 29 or 30 of the Cigarette Use Tax Act if the
8 vessel, vehicle or aircraft contains more than 10 cartons of
9 such cigarettes; (d) Section 44 of the Environmental Protection
10 Act; (e) 11-204.1 of the Illinois Vehicle Code; (f) the
11 offenses described in the following provisions of the Illinois
12 Vehicle Code: Section 11-501, subsections (b-5) or (b-6) or
13 subdivisions (c-1)(1), ~~(e-1)(2), ~~(e-1)(3),~~~~ (d)(1)(A),
14 (d)(1)(D), (d)(1)(G), or (d)(1)(H); (g) an offense described in
15 subsection (g) of Section 6-303 of the Illinois Vehicle Code;
16 or (h) an offense described in subsection (e) of Section 6-101
17 of the Illinois Vehicle Code; may be seized and delivered
18 forthwith to the sheriff of the county of seizure.

19 Within 15 days after such delivery the sheriff shall give
20 notice of seizure to each person according to the following
21 method: Upon each such person whose right, title or interest is
22 of record in the office of the Secretary of State, the
23 Secretary of Transportation, the Administrator of the Federal
24 Aviation Agency, or any other Department of this State, or any
25 other state of the United States if such vessel, vehicle or
26 aircraft is required to be so registered, as the case may be,
27 by mailing a copy of the notice by certified mail to the
28 address as given upon the records of the Secretary of State,
29 the Department of Aeronautics, Department of Public Works and
30 Buildings or any other Department of this State or the United
31 States if such vessel, vehicle or aircraft is required to be so
32 registered. Within that 15 day period the sheriff shall also
33 notify the State's Attorney of the county of seizure about the
34 seizure.

35 In addition, any mobile or portable equipment used in the
36 commission of an act which is in violation of Section 7g of the

1 Metropolitan Water Reclamation District Act shall be subject to
2 seizure and forfeiture under the same procedures provided in
3 this Article for the seizure and forfeiture of vessels,
4 vehicles and aircraft, and any such equipment shall be deemed a
5 vessel, vehicle or aircraft for purposes of this Article.

6 When a person discharges a firearm at another individual
7 from a vehicle with the knowledge and consent of the owner of
8 the vehicle and with the intent to cause death or great bodily
9 harm to that individual and as a result causes death or great
10 bodily harm to that individual, the vehicle shall be subject to
11 seizure and forfeiture under the same procedures provided in
12 this Article for the seizure and forfeiture of vehicles used in
13 violations of clauses (a), (b), (c), or (d) of this Section.

14 If the spouse of the owner of a vehicle seized for an
15 offense described in subsection (g) of Section 6-303 of the
16 Illinois Vehicle Code, a violation of subsection (b-5) or (b-6)
17 or subdivision (c-1)(1), ~~(c-1)(2), (c-1)(3)~~, (d)(1)(A), or
18 (d)(1)(D) of Section 11-501 of the Illinois Vehicle Code, or
19 Section 9-3 of this Code makes a showing that the seized
20 vehicle is the only source of transportation and it is
21 determined that the financial hardship to the family as a
22 result of the seizure outweighs the benefit to the State from
23 the seizure, the vehicle may be forfeited to the spouse or
24 family member and the title to the vehicle shall be transferred
25 to the spouse or family member who is properly licensed and who
26 requires the use of the vehicle for employment or family
27 transportation purposes. A written declaration of forfeiture
28 of a vehicle under this Section shall be sufficient cause for
29 the title to be transferred to the spouse or family member. The
30 provisions of this paragraph shall apply only to one forfeiture
31 per vehicle. If the vehicle is the subject of a subsequent
32 forfeiture proceeding by virtue of a subsequent conviction of
33 either spouse or the family member, the spouse or family member
34 to whom the vehicle was forfeited under the first forfeiture
35 proceeding may not utilize the provisions of this paragraph in
36 another forfeiture proceeding. If the owner of the vehicle

1 seized owns more than one vehicle, the procedure set out in
2 this paragraph may be used for only one vehicle.

3 Property declared contraband under Section 40 of the
4 Illinois Streetgang Terrorism Omnibus Prevention Act may be
5 seized and forfeited under this Article.

6 (Source: P.A. 93-187, eff. 7-11-03; 94-329, eff. 1-1-06.)

7 Section 15. The Unified Code of Corrections is amended by
8 changing Section 5-8-7 as follows:

9 (730 ILCS 5/5-8-7) (from Ch. 38, par. 1005-8-7)

10 Sec. 5-8-7. Calculation of Term of Imprisonment.

11 (a) A sentence of imprisonment shall commence on the date
12 on which the offender is received by the Department or the
13 institution at which the sentence is to be served.

14 (b) The offender shall be given credit on the determinate
15 sentence or maximum term and the minimum period of imprisonment
16 for time spent in custody as a result of the offense for which
17 the sentence was imposed, at the rate specified in Section
18 3-6-3 of this Code. Except when prohibited by subsection (d),
19 the trial court may give credit to the defendant for time spent
20 in home detention, or when the defendant has been confined for
21 psychiatric or substance abuse treatment prior to judgment, if
22 the court finds that the detention or confinement was
23 custodial.

24 (c) An offender arrested on one charge and prosecuted on
25 another charge for conduct which occurred prior to his arrest
26 shall be given credit on the determinate sentence or maximum
27 term and the minimum term of imprisonment for time spent in
28 custody under the former charge not credited against another
29 sentence.

30 (d) An offender sentenced to a term of imprisonment for an
31 offense listed in paragraph (2) of subsection (c) of Section
32 5-5-3 of this Code or in ~~paragraph (3) of~~ subsection (b-6)
33 ~~(e-1)~~ of Section 11-501 of the Illinois Vehicle Code shall not
34 receive credit for time spent in home detention prior to

1 judgment.

2 (Source: P.A. 93-800, eff. 1-1-05.)

3 Section 99. Effective date. This Act takes effect January

4 1, 2007.